

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

AUTO-OWNERS INSURANCE)	
COMPANY, etc.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	1:05cv1024-MHT
)	(WO)
SUNSHINE CAMPING CENTER,)	
INC., etc., et al.,)	
)	
Defendants.)	

OPINION

Plaintiff Auto-Owners Insurance Company has brought this federal lawsuit against defendants Sunshine Camping Center, Inc. and Union Planters Bank, N.A. (also known as Regions Bank, N.A.), seeking a declaration as to whether it is obligated to defend and pay any judgment against Sunshine Camping with regard to Union Planters's state-court complaint, cross-claim and third-party claim against Sunshine Camping. Auto-Owners has invoked the

jurisdiction of the court based on diversity of citizenship. 28 U.S.C. § 1332. This cause is now before the court on Auto-Owners's motion for summary judgment against Sunshine Camping and Union Planters.

The undisputed facts appear to be as follows: In August 2004, Union Planters filed several charges against Sunshine Camping in the Circuit Court of Dale County alleging, in essence, that Sunshine Camping obtained funds from Union Planters through the submission of false, fraudulent, and forged documents. In November 2004, in another lawsuit in the Circuit Court of Dale County, filed by Robert M. McAllister against Sunshine Camping and Union Planters for the same conduct, Union Planters filed a cross-claim and third-party claim against Sunshine Camping. Union Planters's cross-claim and counter-claim against Sunshine Camping appear to be subsumed by the allegations in Union Planters' complaint.

In May 2006, a jury entered judgment in favor of Union Planters in its lawsuit against Sunshine Camping.

Auto-Owners filed this federal lawsuit against Sunshine Camping and Union Planters alleging that its policies of insurance do not provide liability insurance coverage for any of the claims, damages actions, or judgments against Sunshine Camping with respect to Union Planters's complaint, cross-claim, and third-party claim against Sunshine Camping.

Auto-Owners now seeks summary judgment against Sunshine Camping and Union Planters pursuant to Rule 56 of the Federal Rules of Civil Procedure. This Rule provides that summary judgment is appropriate where there is no genuine issue of material fact and the moving party is entitled to a judgment as a matter of law. Neither Sunshine Camping nor Union Planters have responded to Auto-Owners's summary-judgment motion. In light of Sunshine Camping and Union Planters' failure to alert this court of any genuine issues of material fact with regard to Auto-Owners' motion for summary judgment, the

court will grant summary judgment in favor of Auto-Owners
and against Sunshine Camping and Union Planters.

DONE, this the 8th day of August, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE